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Attorneys for Plaintiffs CRAIG YATES
 and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual; and
 DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION, SERVICES: HELPING
 YOU HELP OTHERS, a California public
 benefit corporation,

Plaintiffs,

v.

RED'S RECOVERY ROOM, INC., a
 California corporation; and TOWNSEND
 CAPITAL PARTNERS, LLC

Defendants

CASE NO. CV-07-4395-JCS

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

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7 Dated: January 21, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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9 By: /S/
Thomas E. Frankovich
10 Attorneys for Plaintiffs CRAIG YATES and
11 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES

12
13 Dated: January 23, 2009

JOHN H. FELDMANN, III
Law Office of John H. Feldmann, III

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15 By: /S/
John H. Feldmann, III
16 Attorneys for Defendant TOWNSEND CAPITAL
PARTNERS, LLC

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1 Dated: January 21, 2009

GAIL F. FLATT,
Provencher & Flatt LLP

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3 By: _____/S/_____
4 Gail F. Flatt
5 Attorneys for Defendant RED'S RECOVERY
6 ROOM, INC. a California corporation

7 **ORDER**

8 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
9 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
10 the purpose of enforcing the parties' Settlement Agreement and General Release should such
11 enforcement be necessary.

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13 DATED: January 26, 2009

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15 Honorable Judge Joseph C. Spero
16 United States Magistrate Judge
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